



SPONSOR: Sen. Bushweller & Rep. B. Short
Sens. Ennis, Lopez, Marshall; Reps. Gray, Hudson,
Jaques, Wilson

DELAWARE STATE SENATE
149th GENERAL ASSEMBLY

SENATE BILL NO. 56

AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO CHILDREN IN DSCYF CUSTODY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Chapter 25, Title 13 of the Delaware Code by making insertions as shown by underlining and deletions
2 as shown by strike through as follows:

3 § 2523. Duties, authority and liability protection of caregivers to children in DSCYF custody.

4 (c) A caregiver is not liable for harm caused to a child who participates in an activity or experience
5 approved by the caregiver if all of the following circumstances are met:

6 (1) The caregiver's approval does not constitute gross or wanton negligence.

7 (2) The caregiver has completed the required training relating to the reasonable and prudent
8 parent standard prior to giving the approval.

9 (3) The approval does not conflict with any applicable court order or service plan.

10 This section does not remove or limit any existing liability protection afforded by any other law.

SYNOPSIS

This bill implements a portion of the federal requirements in the bipartisan Preventing Sex Trafficking and Strengthening Families Act to promote greater "normalcy" for youth in foster care. Specifically, it provides a limitation from liability provision for foster parents who exercise the reasonable and prudent parent standard for those youth in their care to allow their participation in age appropriate activities. Section 2523(b) provides certain criteria to determine whether a decision is reasonable and prudent, including: the wishes of the child; the wishes of the child's parent; best interests of the child; the child's age, maturity, and any potential risk factors to the child or others; and the appropriateness of the activity and experience for extracurricular, cultural, or social enrichment.

Author: Senator Bushweller